



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/726,535

12/04/2003

Eung Min Park

0630-1874P

5940

2292

7590

10/19/2006

BIRCH STEWART KOLASCH & BIRCH

PO BOX 747

FALLS CHURCH, VA 22040-0747

EXAMINER

MORRISON, THOMAS A

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,535

Applicant(s)

PARK, EUNG MIN

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,5-7 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,6,7 and 10 is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claim 5 is withdrawn in view of Imai et al. and European Publication No. GB 2132737. Rejections based on the cited reference(s) follow. The examiner regrets any inconvenience that this new rejection may have caused.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites, "wherein the second separating rollers are arranged between the first separating rollers". (emphasis added). This appears to be inaccurate, in that Fig. 4 of the instant application appears to show **only one** second separating roller (164) that is arranged between first separating rollers (162 and 162). The remaining second separating rollers (164 and 164) are not located between the first separating rollers (162 and 162).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 5, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,871,162 (Imai et al.) in view of European Publication No. GB 2132737.

Regarding claim 5, Figs. 1-5 of the Imai et al. patent show a media pick-up device of a media dispenser (Fig. 1), comprising:

a plurality of conveying rollers (5, 6, 7 and 8) rotated by a driving force of a driving means (column 2, lines 32-33), for conveying media;

first separating rollers (12 in Fig. 2) arranged with overlaps to the conveying rollers (5, 6, 7 and 8) to separate the media one by one; and

second separating rollers (13 and 20) arranged to face an outer surface of the conveying rollers (6 and 8),

wherein the conveying rollers (5, 6, 7 and 8) comprise first conveying rollers (5 and 7) arranged with overlaps to the first separating rollers (12 in Fig. 2), and second conveying rollers (6 and 8) arranged to face the second separating rollers (13 and 20)

wherein the second separating rollers (including 13) are arranged between the first separating rollers (12 in Fig. 2).

However, the Imai et al. patent does not specifically show gaps between the second separating rollers (13 and 20) and the conveying rollers (5, 6, 7 and 8) or gaps between the second separating rollers (13 and 20) and the second conveying rollers (6 and 8), as claimed.

European Publication No. GB 2132737 discloses that it is well known to provide a media pick-up device of a media dispenser with conveying rollers (7a, 7b and 7c) arranged relative to separating rollers (17a and 17b) such that there are gaps between the separating rollers (17a and 17b) and the conveying rollers (7a, 7b and 7c). Also, page 2, lines 86-93 of European Publication No. GB 2132737 explain that it is advantageous to have such gaps to be just as wide as the thickness of one sheet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide gaps between the second separating rollers (13 and 20) and the conveying rollers/second conveying rollers of the apparatus of the Imai et al. patent, because it is advantageous to have a gap that is one sheet thick between such rollers, as taught by European Publication No. GB 2132737.

Regarding the recitation, "wherein the second separating rollers are arranged between the first separating rollers" in claim 5, in as much as Figure 4 of the instant application shows second separating rollers (i.e., only one second separating roller 164) arranged between first separating rollers (i.e., first separating rollers 162 and 162), so does the roller arrangement shown in Figs. 2 and 4 of the Imai et al. patent. Thus, Imai et al. in view of European Publication No. GB 2132737 meets all of the limitations of claim 5 as now amended.

Allowable Subject Matter

4. Claims 2, 6-7 and 10 are allowed.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/15/2006


PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600